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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,830	08/06/2001	Takeshi Natsuno	9683/89	8170

7590 02/27/2006

Brinks Hofer Gilson & Lione
PO Box 10395
Chicago, IL 60610

EXAMINER

DOAN, PHUOC HUU

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/890,830	Applicant(s) NATSUNO, TAKESHI	
	Examiner PHUOC H. DOAN	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-24 and 35-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-24 and 35-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/13/06 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 16-24, and 35-38 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **16-24, and 35-38** are rejected under 35 U.S.C. 103(a) as being unpatentable over D’Avello (US Patent No: 4,860,341) in view of **Lambert (US Patent No: 6,470,447)**.

As to claim 16, D’Avello discloses a communication network which communicates with a mobile terminal that has communication functionality and functionality of effecting financial services provided by at least one financial institution (col. 1, lines 18-55, and col. 3, lines 43-53), the communication network comprising: a memory that records information of the mobile terminal as to whether to disable the mobile terminal a memory control “col. 15, lines 5-25” that, in response to a report notifying a possibility of fraud which may be committed with the mobile terminal stores in the memory information of the mobile terminal indicating that the mobile terminal has to disabled (col. 16, lines 1-10, and lines 24-47); a terminal control that if the memory indicates that the mobile terminal has to be disabled (col. 6, lines 44-52), sends a disabling signal (col. 6, lines 25-52).

However, D’Avello does not disclose a communication control that communicates data with the mobile terminal and the at Least one financial institution to have the financial services implemented; independently of the at Least one financial institution, to the mobile terminal, wherein the disabling signal

causes the mobile terminal to at Least partially disable either or both of the communication functionality and the functionality of effecting financial services.

Lambert specifically discloses a communication control that communicates data with the mobile terminal and the at Least one financial institution to have the financial services implemented (col. 1, lines 29-55); independently of the at Least one financial institution (col. 6, lines 12-25), to the mobile terminal (col. 7, lines 1-10), wherein the disabling signal causes the mobile terminal to at Least partially disable either or both of the communication functionality and the functionality of effecting financial services (col. 8, lines 1-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a communication control that communicates data with the mobile terminal and the at Least one financial institution to have the financial services implemented as taught by Lambert to the system of D'Avello in order to exchange electronic transactions.

As to claim 17, D'Avello further discloses a communication network according to claim 16, wherein the communication network is a wireless communication network and the mobile terminal is a wireless mobile telephone (col. 3, lines 40-68).

As to claim 18, the combination of D'Avello and Lambert further disclose communication network according to claim 16, wherein the financial services comprise a service for advancing a credit (col. 1, lines 29-55 of Lambert).

As to claim 19, the combination of D'Avello and Lambert further disclose a communication network according to claim 16, wherein the terminal is configured to selectively effect the financial services provided by multiple financial institutions (col. 8, lines 1-34 of Lambert).

As to claim 20, D'Avello further discloses a communication network according to claim 16, wherein the terminal control sends the disabling signal when the terminal becomes receptive to the disabling signal (col. 6, lines 14-68).

As to claim 21, the claim is rejected for the same reason as set forth in claim 20.

As to claim 22, D'Avello further discloses a communication network according to claim 20, wherein the terminal control sends the disabling signal when the terminal is turned on ("Power up", Fig. 6, col. 5, lines 60-68).

As to claim 23, D'Avello further disclose a communication network according to claim 16, wherein the terminal control checks the memory to see whether to disable the mobile terminal, when the mobile terminal sends a dispatch signal to a nearby base station (col. 12, lines 19-51).

As to **claim 24**, D’Avello further discloses a communication network according to claim 16, wherein the disabling signal causes the mobile terminal to erase **“reprogramming of mobile radiotelephone status, col. 8, line 41-42”** data in the mobile terminal regarding the financial services (col. 12 through col. 13, lines 64-12).

5. Claims **35-38** are rejected under 35 U.S.C. 103(a) as being unpatentable over D’Avello (US Patent No: 4,860,341) in view of **Ahuja (US Pub No: 2001/0056402)**.

As to **claim 35**, D’Avello discloses a wireless telephone that comprises (Fig. 1, item 101): a memory that stores information for effecting financial services provided by multiple financial institutions (col. 5, lines 1-31, and col. 15, lines 1-38); an instrument adapted to be used with an external instrument reader (col. 5, lines 31-60); an information reader that selectively reads out information from the memory according to a selection of a financial institution among the multiple financial institutions (col. 5, lines 40-60, col. 6, lines 44-67); and an instrument control that reconfigures the instrument (col. 12 through col. 13, lines 64-11), based on the readout information (col. 5 through col. 6, lines 60-67, and col. 7, lines 1-56)

However, D'Avello does not specifically disclose that for effecting the financial services provided by the selected financial institution.

Ahuja discloses that effecting the financial services provided by the selected financial institution (col. 7, par. [0089-0090]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide for effecting the financial services provided by the selected financial institution as taught by Ahuja to the system of D'Avello in order to exchange electronic transactions.

As to claim 36, D'Avello further discloses a wireless telephone according to claim 35, wherein the instrument is a magnetic card, and the instrument control magnetically records the readout information on the magnetic card (Fig. 5, col. 5, lines 40-60).

As to claim 37, D'Avello further discloses a wireless telephone according to claim 35, wherein the instrument is a display, and the instrument control displays the readout information in bar codes on the display (col. 5, lines 40-60, and col. 6, lines 1-13).

As to claim 38, D'Avello further discloses wireless telephone according to claim 35, wherein the instrument is an infrared emitter ("col. 6, lines 1-13"), and the

instrument control controls the infrared emitter so that it outputs the readout information in infrared (col. 5 through col. 6, lines 1-13).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC H. DOAN whose telephone number is 571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GEORGE ENG can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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GEORGE ENG
SUPERVISORY PATENT EXAMINER